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**FILED**

JUN 19 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, )

No. 3-06-70306 EDL

14 Plaintiff, )

15 v. )

16 ANTONIO MELENDEZ-TORRES, )  
aka Antonio Torres Melendez, )

17 Defendant. )  
18

~~[PROPOSED]~~ ORDER AND  
STIPULATION EXTENDING TIME  
UNDER RULE 5.1 AND EXCLUDING  
TIME UNDER THE SPEEDY TRIAL ACT

19 The parties stipulate and agree, and the Court finds and holds, as follows:

20 1. The parties appeared on the instant matter May 18, 2006 in front of the Honorable  
21 Elizabeth D. Laporte for defendant's initial appearance on the complaint. On May 18, 2006, the  
22 matter was continued to June 6, 2006 for a detention hearing and to set an arraignment /  
23 preliminary hearing. On June 6, 2006, the parties appeared in front of the Honorable Maria-  
24 Elena James, and the matter was continued to June 16, 2006 for detention hearing and to set an  
25 arraignment / preliminary hearing. On June 16, 2006, the matter was again continued to June 26,  
26 2006 for detention hearing and to set an arraignment / preliminary hearing.

27 2. On June 16, 2006, Assistant Public Defender Steven G. Kalar, who represents the  
28 defendant, requested an exclusion of time from June 16, 2006 to June 26, 2006, based on

1 effective preparation and continuity of counsel. The defendant agreed to an extension of time for  
2 the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of  
3 time under the Speedy Trial Act. The parties are involved in discussions which appear likely to  
4 lead to pre-indictment resolution of this case. Therefore, the parties are requesting an extension  
5 of time under Rule 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree  
6 that the time from June 16, 2006 to June 26, 2006 should be extended under Rule 5.1(d) and  
7 excluded in computing the time within which an information or indictment must be filed. See 18  
8 U.S.C. § 3161(h)(8)(A) and (B)(iv).

9 3. In light of the foregoing facts, the failure to grant the requested exclusion would  
10 unreasonably deny counsel for the defense the reasonable time necessary for effective  
11 preparation, taking into account the exercise of due diligence. See id. The ends of justice would  
12 be served by the Court excluding the proposed time period. These ends outweigh the best  
13 interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

14 4. For the reasons stated, the time period from June 16, 2006 to June 26, 2006 is  
15 extended under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial  
16 Act, 18 U.S.C. § 3161(h)(8)(A).

17  
18 IT IS SO STIPULATED.

19  
20 DATED: \_\_\_\_\_

Respectfully Submitted,

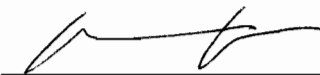
21  
22 /S/  
NAHLA RAJAN  
Special Assistant United States Attorney

23  
24 DATED: \_\_\_\_\_

/S/  
STEVEN G. KALAR  
Counsel for Antonio Melendez-Torres

25  
26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27  
28 DATED: 6/19/06

  
NANDOR VADAS  
~~HONORABLE MARIA ELENA JAMES~~  
United States Magistrate Judge